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CASE NUMBER: 18-2-14942-8 SEA

The Honorable Timothy A. Bradshaw
Note for Hearing: November 16, 2018
Oral Argument Scheduled

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal corporation,

Defendant.

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, CITY OF SEATTLE, LISA HERBOLD, BRUCE HARRELL, KSHAMA SAWANT, ROB JOHNSON, DEBORA JUAREZ, MIKE O'BRIEN, SALLY BAGSHAW, TERESA MOSQUEDA, LORENA GONZALEZ,

Defendants.

NO. 18-2-14942-8 SEA
(Consolidated)

DECLARATION OF SALLY BAGSHAW IN SUPPORT OF DEFENDANT CITY OF SEATTLE'S OPPOSITION TO PLAINTIFF JAMES EGAN'S MOTION FOR PARTIAL SUMMARY JUDGMENT

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I, SALLY BAGSHAW, hereby state and declare as follows:

1. I am a member of the Seattle City Council and have been since 2010. I am over the age of eighteen, am competent to testify, and make this declaration based on personal knowledge.

2. On Sunday, July 16, 2017, the *Seattle Times* published a story about Ed Murray, the Mayor of Seattle at the time, which reported that an Oregon CPS investigator had concluded that Mr. Murray sexually abused his foster son in the early 1980s.[1]

3. The next morning, Monday, July 17, 2017, I attended the Seattle City Council's regularly-scheduled briefing, which was an open public meeting of the City Council held in Council Chambers.[2] The meeting began as scheduled, at approximately 9:30 a.m.

4. Immediately before the briefing, I learned that Councilmember Lorena González had released a public statement in response to the *Seattle Times* article.[3] In her statement, CM González "ask[ed] the Mayor to consider stepping down as Mayor and to work collaboratively with a subcommittee of the City Council to craft an Executive Leadership Transition Strategy." The statement also expressed CM González's view that "[i]f the Mayor continues to serve as Mayor, then by no later than July 24, 2017, the City Council should convene its own committee to determine if a transition in Executive leadership is merited under these circumstances."

5. At the briefing, CM González prompted a discussion by referring to her statement, stating that "As a city, I believe it's our duty and responsibility to provide leadership

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[1] The article is available at the following URL: https://www.seattletimes.com/seattle-news/times-watchdog/mayor-ed-murray-sexually-abused-foster-son-child-welfare-investigator-found-in-1984/.

[2] The agenda for the July 17, 2017 Council briefing is posted and publicly available at: https://seattle.legistar.com/View.ashx?M=A&ID=557317&GUID=52D2846B-D925-4210-BDDE-CF0E9C93F8A2. Additionally, video of the Council briefing is available at the following URL: https://www.seattlechannel.org/CouncilBriefings?videoid=x78945&Mode2=Video. The other members of the Seattle City Council in July 2017 were Tim Burgess, Lorena González, Bruce Harrell, Lisa Herbold, Rob Johnson, Deborah Juarez, Mike O'Brien and Kshama Sawant.

[3] CM González's statement is posted on the City Council's website at: http://council.seattle.gov/2017/07/17/councilmember-gonzalez-responds-to-release-of-documents-related-to-sexual-abuse-allegations-against-mayor-murray/.

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in this space," and expressing hope that the City Council, along with the Mayor, could come together on "how this may impact that ability for us to effectively govern moving forward."

6. In response, Council President Bruce Harrell, and Councilmembers Debora Juarez, Tim Burgess, Rob Johnson and I, offered comments. My read of the collective responses was that the various Councilmembers were trying to be careful and considered in any action. It was apparent to me that—to the extent CM González was proposing that the City Council take steps to affirmatively remove the Mayor from office pursuant to Article V, Section 10 of the Seattle City Charter—there was not majority support for such an approach. CM Burgess's comments in this respect were illustrative. He noted that "[t]he process that's outlined for the council to consider removing [the Mayor] I think is very clear, and premature at this point" and "I think we just have to be very judicious and cautious in how we approach these issues."

7. After CM González released her statement on July 17, Mayor Murray's Chief of Staff (Mike Fong) began reaching out to see if other Councilmembers would be taking the same position. Mr. Fong and I exchanged several texts on July 17. I told him that I thought there was some "grandstanding" going on and that the City Council's responsibility is set forth in Article V, Section 10 of the Seattle City Charter. Later in the day, I advised Mr. Fong that a response to CM González was circulating and that "I think we will get 5 votes." That is, consistent with my impression of where the various Councilmembers stood based on discussion at the prior Council briefing, my short-hand comment to Mr. Fong was intended to convey that I thought (a) there were at least five Councilmembers who would not support removing the Mayor from office without evidence that he had willfully violated his duty as Mayor; (b) I believed that allegations of moral turpitude based on the 25+ year old facts and evidence must be fully researched and analyzed by experts before we take action; and (c) as a related matter, the anticipated response to CM González would include multiple signatories. My view and understanding were solely informed by the conversations at Council briefing earlier in the day. I may also have had a passing conversation later that morning with one or two other

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Councilmembers, but I remember no specifics, nor did I discuss my view on these issues with a majority of the City Council outside of a public meeting.

8. Ultimately, late in the day on July 17, CP Harrell, CM Herbold, and CM Juarez, and I released a joint statement regarding the *Seattle Times* article and the allegations against then-Mayor Murray. A true and correct copy of this statement is attached hereto as ***Exhibit A***.[4] The statement noted that allegations of abuse must be taken seriously at all times, that there were serious allegations against the Mayor, that there had been no judicial finding or conclusions that the Mayor committed an offense or willfully violated any laws, and that he was entitled to due process and legal counsel. *See* Ex. A. The statement also observed that the City Council may act as a court of impeachment, but its powers to do so are limited by Article V, Section 10 of the City Charter. *Id.*

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 2nd day of November, 2018 at Seattle, Washington.

Sally Bagshaw

Sally Bagshaw

[4] This statement is also posted on the City Council's website at: http://council.seattle.gov/2017/07/17/councilmembers-statement-in-response-to-allegations-against-mayor/.

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EXHIBIT A

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Councilmembers' Statement In Response to Allegations Against Mayor

SEATTLE – Council President Bruce Harrell and **Councilmembers Sally Bagshaw, Lisa Herbold and Debora Juarez** issued the following statement in response to **allegations of abuse in the Seattle Times** against Mayor Ed Murray:

"Allegations of abuse must be taken seriously at all times. Despite serious allegations that Mayor Ed Murray committed acts of misconduct, there have been no judicial findings or conclusions that he committed an offense or willfully violated any laws. The Mayor is entitled to due process and legal counsel.

"Although the City Council may act as a court of impeachment, our powers to do so are limited by our City Charter. Article V, Section 10 of the City Charter regarding 'Removal of Mayor' states:

'The Mayor may be removed from office after a hearing, for any willful violation of duty, or for the commission of an offense involving moral turpitude, upon written notice from the City Council at least five days before the hearing. He or she shall have the right to be present, to the aid of counsel, to offer evidence and to be heard in his or her own behalf. Upon the affirmative vote of two-thirds of all the members of the City Council, acting as a court of impeachment, the office shall become vacant.'

"As we speak today, there has been no proof that he has "willfully violated" his duties. The Mayor has directed staff in the necessary transitions this fall to a new mayoral administration and these are necessary steps for a successful transition.

"Today, we have received calls and emails from survivors of sexual assault who are reliving their own experiences. Many are coming forward to add their voice to the discussion. We are listening to their voices; each of us knows survivors and we underscore our concerns for each person. The Council will continue to support survivors, advocates, and those agencies that provide critical support to survivors and their families.

"Allowing due process to proceed before the courts or other competent tribunal does not lessen our compassion and understanding of victims who have been assaulted. These crimes are unspeakable and require the utmost attention from our legal and social service system no matter how long ago they might have occurred. Collectively, we appeal to the Mayor to stop referring to the criminal background of his accusers. This re-traumatizes survivors and hinders the City's efforts to enact policy to assist people who have criminal backgrounds.

"Our primary focus will be to assure that the City's best interests are being served and we have an effective transition in mayoral administrations."

# # #

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Posted: July 17th, 2017 under Bagshaw, Harrell, Herbold, Juarez, News Releases.

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Pingback from **Amid new evidence in old case, Gonzalez calls on Mayor to resign (UPDATED)**
Time July 17, 2017 at 9:24 pm

[...] Bagshaw, Herbold and Juarez also issued a joint statement this [...]

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CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury under the laws of the State of Washington that on this date, I caused a true and correct copy of the foregoing document to be served on the following in the manner(s) indicated:

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DATED this 5th day of November, 2018 at Seattle, Washington.

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